

# United States District Court

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

CHRYSTAL GLEISNER, ET AL.

§

V.

§

§

CASE NO. 4:05CV388

(Judge Schneider/Judge Bush)

PRESBYTERIAN HOSPITAL OF  
PLANO INC., ET AL.

§

§

§

## MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On January 25, 2006, the Magistrate Judge entered his report containing his proposed findings of fact and recommendations that Defendant Rupinder S. Bhatia, M.D.'s Motion to Dismiss Plaintiffs' First Amended Original Complaint and Columbia North Texas Subsidiary GP, LLC, Columbia Medical Center of McKinney Subsidiary, LP, and HCA/Green Oaks Behavioral Healthcare Services Affiliates, Inc.'s (collectively "Columbia Defendants") Motion to Dismiss Plaintiffs' First Amended Original Complaint be granted, and that all claims against said Defendants be dismissed. The Magistrate Judge further recommended that Plaintiffs' EMTALA claims against Defendant Rupinder S. Bhatia, M.D. and the Columbia Defendants be dismissed with prejudice. The Magistrate Judge finally recommended that Defendant Presbyterian of Plano, Inc.'s ("Presbyterian") Motion to Dismiss be granted, in part, and that all claims against Presbyterian, with the exception of Plaintiffs' EMTALA claim, be dismissed.

The Court, having made a *de novo* review of the objections raised by Plaintiffs and Presbyterian, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiffs and Presbyterian are without merit. Therefore, the Court hereby

adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

**ORDERED, ADJUDGED and DECREED** that Defendant Rupinder S. Bhatia, M.D.'s Motion to Dismiss Plaintiffs' First Amended Original Complaint and the Columbia Defendants' Motion to Dismiss Plaintiffs' First Amended Original Complaint are GRANTED, and all claims against said Defendants are DISMISSED. It is further

**ORDERED** that Plaintiffs' EMTALA claims against Defendant Rupinder S. Bhatia, M.D. and the Columbia Defendants are DISMISSED WITH PREJUDICE. It is finally

**ORDERED** that Defendant Presbyterian's Motion to Dismiss is GRANTED, in part, and that all claims against Presbyterian, with the exception of Plaintiffs' EMTALA claim, are DISMISSED.

**SIGNED this 23rd day of February, 2006.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE